

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

IN RE:)	
)	
ROBERT FRITZ CHARLES,)	Case No. 00-13388
JAN ALOISE CHARLES,)	Chapter 7
)	
Debtors.)	
<hr style="border: 0.5px solid black;"/>		
)	
J. MICHAEL MORRIS, Trustee,)	
)	
Plaintiff,)	
)	
v.)	Adversary No. 00-5344
)	
U.S. BANCORP LEASING)	
AND FINANCIAL,)	
)	
)	
Defendant.)	
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JUDGMENT ON DECISION

This matter is before the Court on the motion of U. S. Bancorp Leasing and Financial (“Bancorp”) for summary judgment (the “Motion”) on the Trustee’s Complaint. In his Complaint, Trustee J. Michael Morris asserts that the arrangement under which Bancorp leased to debtors Robert and Jan Charles five Kenworth truck tractors is a disguised sale rather than a finance lease. The Trustee further argues that, since the transaction is a disguised sale and not a lease, Bancorp was obligated to perfect its security interest in the vehicles in strict compliance with Kan. Stat. Ann. §84-9-302¹ and Kan. Stat. Ann. §8-135. After careful consideration of the parties’

¹Because Charles’ case was filed before July 1, 2001, the “old” Article Nine of the Kansas Uniform Commercial Code, Kan. Stat. Ann. §84-9-101, et. seq. (2000 Supp.) applies.

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submissions, the Court concludes that the Trustee's argument fails on both counts and grants summary judgment to Bancorp.

IT IS THEREFORE ORDERED THAT Defendant's Motion For Summary Judgment is GRANTED.

Dated this 29th Day of March, 2002.

ROBERT E. NUGENT, BANKRUPTCY JUDGE
UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS

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CERTIFICATE OF SERVICE

The undersigned certifies that copies of the **Memorandum and Opinion** were deposited in the United States mail, postage prepaid on this 29th day of March, 2002, to the following:

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